

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emma Stydahr	Team: Squad #13	CCRB Case #: 202007667	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 11/08/2020 12:10 AM	Location of Incident: Park Row and Worth Street	Precinct: 05	18 Mo. SOL 5/8/2022	EO SOL 5/8/2022	
Date/Time CV Reported Mon, 11/09/2020 1:30 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/20/2020 12:36 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Joseph Naranjo	04192	952045	SRG 5
2. An officer			
3. Officers			
4. POM Edward Weisenburger	18143	952338	SRG 1
5. POM Ermir Aliaj	18857	959452	SRG 1
6. POM Anthony Buonomo	09259	954579	SRG 3
7. POF Sandra Gonzalez	14838	961793	SRG 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Brendan Sullivan	26410	955547	SRG 1
2. POM Gregory Scarazzini	19762	959207	SRG 1
3. POM Junior Rodriguez	08909	939345	SRG 1
4. SSA Agustine Rodriguez	01452	931939	SRG 1
5. POM Giuseppe Gentile	09948	952773	SRG 2
6. POM Andrzej Babiuch	15395	946764	SRG 3
7. POM Vincent Pisano	18213	960113	SRG 1
8. POM Christophe Foley	08327	955029	SRG 1
9. POM Jeffrey Evans	11207	956629	SRG 4
10. POM Jose Maldonado	07790	961907	SRG 1

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	
B. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	
C. SGT Joseph Naranjo	Force: Sergeant Joseph Naranjo used physical force against § 87(2)(b)	
D. POF Sandra Gonzalez	Discourtesy: Police Officer Sandra Gonzalez spoke discourteously to § 87(2)(b)	
E. POF Sandra Gonzalez	Off. Language: Police Officer Sandra Gonzalez made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
F. POM Edward Weisenburger	Abuse: Police Officer Edward Weisenburger threatened to arrest § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G.POM Edward Weisenburger	Abuse: Police Officer Edward Weisenburger refused to provide his shield number to § 87(2)(b)	
H.POM Anthony Buonomo	Abuse: Police Officer Anthony Buonomo refused to provide his shield number to § 87(2)(b)	
I.POM Ermir Aliaj	Discourtesy: Police Officer Ermir Aliaj spoke discourteously to § 87(2)(b)	
J.POM Anthony Buonomo	Discourtesy: Police Officer Anthony Buonomo spoke discourteously to § 87(2)(b)	
K.POM Anthony Buonomo	Off. Language: Police Officer Anthony Buonomo made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	

Case Summary

On November 9, 2020, Sergeant Joseph Naranjo of Strategic Response Group 5 called IAB to report that § 87(2)(b) accused him of using force against him, resulting in injury. This complaint was received by the CCRB on November 20, 2020.

On November 8, 2020, at approximately 12:10am, § 87(2)(b) was riding his Citi Bike in Chinatown in Manhattan, when he merged with a group of approximately 10 officers riding bicycles in the same lane, traveling in the same direction as him. Officers yelled for § 87(2)(b) to get out of the way and said, “Fuck you, you’re going to Central Booking” and “You’re under arrest” (**Allegations A: Discourtesy,** § 87(2)(g) **Allegation B: Abuse of Authority,** § 87(2)(g) and the officers came to a stop at a metal police barricade at § 87(2)(b). Sgt. Naranjo approached § 87(2)(b) from behind and “rammed” the back of § 87(2)(b) stationary Citi Bike with his bicycle, causing § 87(2)(b) to fall to the ground (**Allegation C: Force,** § 87(2)(g). Police Officer Sandra Gonzalez of Strategic Response Group 2 called § 87(2)(b) a “fucking pussy” (**Allegation D: Discourtesy,** § 87(2)(g) **Allegation E: Offensive Language,** § 87(2)(g). Police Officer Edward Weisenburger of Strategic Response Group 1 threatened to arrest § 87(2)(b) (**Allegation F: Abuse of Authority,** § 87(2)(g) and PO Weisenburger and Police Officer Anthony Buonomo, refused to provide their shield numbers to § 87(2)(b) (**Allegation G & H: Abuse of Authority,** § 87(2)(g). Police Officer Ermir Aliaj of Strategic Response Group 1 said to § 87(2)(b) “Make me shut the fuck up” (**Allegation I: Discourtesy,** § 87(2)(g) and PO Buonomo of Strategic Response Group 3 said to § 87(2)(b) “You fucking want to play a game, now it’s my business.” § 87(2)(b) told officers to, “Suck [his] dick,” and PO Buonomo replied, “Doesn’t your body hurt? How can we suck your dick?” (**Allegation J: Discourtesy,** § 87(2)(g) **Allegation K: Offensive Language,** § 87(2)(g). No arrest or summons resulted from this incident.

Body-worn camera (“BWC”) footage from 16 officers was obtained from NYPD Legal. The footage is in IAs #38-53 (**Board Review 01-16**) and is summarized in IAs #54 (**Board Review 17**).

Findings and Recommendations

Allegation (A) Discourtesy: Officers spoke discourteously to § 87(2)(b) **Allegation (B) Abuse of Authority: An officer threatened to arrest** § 87(2)(b) (Board Review 18) said as he merged with the group of officers riding bicycles, the officers boxed him in and did not allow him to pass. § 87(2)(b) rang the bell affixed to his Citi Bike and said, “I want to get in front of you.” Officers § 87(2)(b) (was unsure which) yelled for § 87(2)(b) to “Get out of the way,” accused him of breaking their formation, and said “Fuck you, you’re going to Central Booking” and “You’re under arrest,” though no one said what for. § 87(2)(b) responded, “What are you doing? Why are you trying to box me in?” This interaction lasted approximately five minutes, all while officers and § 87(2)(b) operated their bicycles in the bike lane. § 87(2)(b) could only describe the officers as white men wearing black uniforms equipped with padding. He was unable to distinguish which officers made which statements.

The BWCs of several members of services partially captured this part of the incident, though the audio of the BWC footage does not initiate until later so no conversation is captured. The BWC footage of Police Officer Gregory Scarazzini of Strategic Response Group 1 captures approximately 45 seconds of § 87(2)(b) operating his Citi Bike in front of a group of five SRG officers and a marked police vehicle. At the 00:11 minute-mark of the media player timestamp (visible at the bottom of the screen), § 87(2)(b) (in a white shirt, operating a Citi Bike) is seen swerving and is not “boxed in.” At 00:33, as the group approaches the metal police barricades at § 87(2)(b), some officers drive in front of § 87(2)(b). At 00:44, § 87(2)(b)

§ 87(2)(b) and the SRG officers come to a stop at the barricade. It is unclear what if any conversation takes place during this clip (**Board Review 11**).

All of the officers interviewed stated that the SRG unit, comprised of approximately 16 officers, had been driving their bicycles to 1 Police Plaza to end their tours in a standard SRG formation of two parallel rows, when § 87(2)(b) entered the formation from behind by driving his Citi Bike in between the two rows and swerving while driving to the front of the formation, causing the two rows of officers to be further apart than usual and making it difficult for the officers to adhere to their guidelines regarding moving safely as a cohesive unit through the city streets busy with pedestrian and vehicular traffic. PO Gonzalez (**Board Review 19**) and PO Weisenburger (**Board Review 20**) both said they ordered § 87(2)(b) to exit from the officers' formation. PO Aliaj (**Board Review 21**), PO Buonomo (**Board Review 22**), and Sgt. Naranjo (**Board Review 23**) said they heard officers they could not identify order § 87(2)(b) to exit their formation. None of the members of service interviewed acknowledged hearing any officer use profanity or threaten to arrest § 87(2)(b) during this portion of the incident, nor did they acknowledge doing so themselves.

§ 87(2)(g)

Allegation (C) Force: Sergeant Joseph Naranjo used physical force against § 87(2)(b)

In PO Buonomo's BWC footage (**Board Review 03**), at the 00:37 minute-mark of the media player timestamp (visible at the bottom of the screen), § 87(2)(b) (in a white shirt, on a Citi Bike) and the group of SRG officers approach the metal barricade § 87(2)(b). At 00:40, Sgt. Naranjo drives his bicycle in front of § 87(2)(b) seemingly to prevent § 87(2)(b) from driving through the opening between barricades. At 00:47, Sgt. Naranjo approaches § 87(2)(b) from the front and places his hands on the handlebars of § 87(2)(b) Citi bike. At 00:48, the handlebars turn to the right, § 87(2)(b) lifts his left leg and swings it over the bike, then the Citi Bike tilts to the right and § 87(2)(b) falls onto the street. At the moment § 87(2)(b) falls, only the front portion of the Citi Bike is visible, but at 00:51, three seconds after he falls, the entire bicycle is visible as well as some space behind it and there are no officers near the back of the bicycle. [Although the video footage is blurry, if one pauses the video at the timestamps specified above and repeatedly presses the E key on the keyboard, the video will play frame-by-frame and allow the viewer to see the actions described above more clearly.] At 01:00, § 87(2)(b) repeatedly requests an ambulance and says "He just threw me on the floor" while lying on the ground and holding his right shoulder with his left hand. At 08:01, § 87(2)(b) ceases holding his shoulder until the EMTs arrive at 08:59.

In PO Aliaj's BWC footage (**Board Review 01**), at the 06:04 minute-mark of the media player timestamp (visible at the bottom of the screen), § 87(2)(b) accuses Sgt. Naranjo of "grabbing" him and "pushing" him to the ground. At 09:38, § 87(2)(b) who is walking to the ambulance with an EMT, tells the EMT that an officer "pulled" his bike, causing him to lose his balance.

In the BWC footage of Police Officer Andrzej Babiuch of Strategic Response Group 3 (**Board Review 02**), at the 01:00 minute-mark of the media player timestamp (visible at the bottom of the screen), a civilian witness who was in the back seat of a nearby car, says he saw the entire incident;

he calls § 87(2)(b) a “scammer” and says, “He did not fall the way he is saying he fell...He was not pushed.”

§ 87(2)(b) statement was generally inconsistent with the BWC footage. He said he and the officers came to a stop at § 87(2)(b) where a metal barricade blocked the intersection, and an officer whom § 87(2)(b) did not see because they approached him from behind, “rammed” the back of his stationary Citi Bike with their bicycle, causing § 87(2)(b) to fall off his bike. § 87(2)(b) sustained a bruise to his back as a result of this incident, which was treated on scene by the EMTs. § 87(2)(b) declined further medical treatment. He made no mention of an officer grabbing, pushing, or pulling his bicycle to the CCRB.

Sgt. Naranjo’s statement was generally consistent with the BWC footage. He said § 87(2)(b) was closed to civilians and blocked off with metal barricades, and that as officers arrived and were about to enter the restricted area, § 87(2)(b) tried to enter as well. In response to Sgt. Naranjo and other officers verbally instructing § 87(2)(b) not to enter the restricted area, § 87(2)(b) said he would ride through anyway, ignored officers when they provided him with an alternate route, and yelled threatening remarks. Sgt. Naranjo positioned his bicycle in front of the barricade entrance, got off and stood in front of § 87(2)(b) and placed his hands on the handlebars of § 87(2)(b) Citi Bike to prevent § 87(2)(b) from proceeding into the restricted area and/or riding forward into Sgt. Naranjo or another officer. Sgt. Naranjo held onto the handlebars but did not apply any pressure, push, or attempt to move them. Seconds after Sgt. Naranjo first placed his hands on the handlebars, § 87(2)(b) threw himself onto the street. Upon reviewing the portion of the BWC footage that captures the handlebars tilting to the right while Sgt. Naranjo is making contact with them, Sgt. Naranjo explained that this happened as a result of § 87(2)(b) throwing himself to the ground, not due to any actions that Sgt. Naranjo took.

All of the other officers interviewed provided generally consistent statements with the BWC footage, Sgt. Naranjo’s statement, and each other’s statements. They testified that § 87(2)(b) refuse several lawful orders made by various officers to take a different route because that street was restricted for civilians at that time and they all denied ramming the back of § 87(2)(b) Citi Bike and denied seeing Sgt. Naranjo push § 87(2)(b) or the Citi bike. PO Wiesenburger and PO Buonomo both said Sgt. Naranjo “gently grabbed” the handlebars. PO Wiesenburger heard Sgt. Naranjo say, “You have to go that way,” and he thought Sgt. Naranjo turned the handlebars in order to “guide” § 87(2)(b) though he stated that Sgt. Naranjo did so “without force.” PO Buonomo did not think Sgt. Naranjo applied any pressure to the handlebars.

The BWC footage confirms that § 87(2)(b) did fall from his Citi Bike onto the street. However, the investigation determined that this was not due to his Citi Bike being “rammed” from behind as he alleged to the CCRB. Though the back of the Citi Bike is not visible in the BWC footage, the rest of the bicycle is and at no point is it captured suddenly moving forward as would be expected had it been forcefully struck from behind by another bicycle. Additionally, the footage shows no officers positioned near the back of § 87(2)(b) bicycle merely three seconds after he fell. In his CCRB interview, § 87(2)(b) attributed his fall to an unidentified officer approaching him from behind, but in the BWC footage, he makes no mention of this and instead at different points, accuses Sgt. Naranjo of throwing him, grabbing him, pushing him, and pulling him, and he ultimately tells an EMT that he lost his balance and fell. However, the BWC footage captures § 87(2)(b) body in the moments leading up to his fall and in those moments, no officer makes physical contact with him. Instead, he is seen lifting his left leg up and over the bicycle as it remains upright and stationary, which suggests that he dropped himself to the ground. Indeed, the BWC footage also captures officers on scene immediately denying § 87(2)(b) claims and an

independent witness spontaneously proclaiming that § 87(2)(b) was lying.

§ 87(2)(g)

Allegation (D) Discourtesy: Police Officer Sandra Gonzalez spoke discourteously to

§ 87(2)(b)

Allegation (E) Offensive Language: Police Officer Sandra Gonzalez made remarks to

§ 87(2)(b) based upon the gender of § 87(2)(b)

In PO Buonomo's BWC footage (**Board Review 03**), at the 01:01 minute-mark of the media player timestamp (visible at the bottom of the screen), a few seconds after § 87(2)(b) falls from the Citi Bike, a female voice (out of frame) is heard calling § 87(2)(b) a "fucking pussy." § 87(2)(b) did not mention this aspect of the incident during his CCRB interview.

PO Gonzalez acknowledged being the only female officer present and working with this SRG bike unit on the incident date. At first during her CCRB interview, PO Gonzalez did not recall an officer calling § 87(2)(b) a "fucking pussy" and said she did not do so herself. After reviewing the relevant portion of the BWC footage, PO Gonzalez acknowledged hearing the statement, but denied recognizing the voice. When then asked if that recording captured her saying "fucking pussy," PO Gonzalez said "Honestly, I don't remember."

Sgt. Naranjo, PO Weisenburger, PO Aliaj, and PO Buonomo denied hearing PO Gonzalez call § 87(2)(b) a "fucking pussy."

The mission, vision, and values of the NYPD includes maintaining a higher standard of integrity that is generally expected of others, valuing human life, respecting the dignity of each individual, and rendering services with courtesy and civility. NYPD Patrol Guide, Procedure 200-02 (Board Review 24). Officers are prohibited from the use of discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability. NYPD Patrol Guide, Procedure 203-10 (Board Review 25). According to DCT Case 2017-17276, language which would ordinarily be inappropriate in dealing with civilians may be excused in the course of a stressful street encounter (**Board Review 26**).

Given that PO Gonzalez acknowledged being the only female officer present, the investigation determined by the preponderance of the evidence that the female voice captured in the BWC footage calling § 87(2)(b) a "fucking pussy" belongs to her. § 87(2)(g)

Allegation (F) Abuse of Authority: Police Officer Edward Weisenburger threatened to arrest

§ 87(2)(b)

In PO Weisenburger's BWC footage (**Board Review 14**), starting at the 03:25 minute-mark of the media player timestamp (visible at the bottom of the screen), § 87(2)(b) curses at officers and says "Do you want me to slap your head?," one of several threats made by § 87(2)(b) to hit, punch, and slap the officers made throughout the interaction. PO Weisenburger responds, "If you make one more threat towards one of us, you're gonna be under arrest for aggravated harassment." § 87(2)(b) says he has "freedom of speech." § 87(2)(b) did not mention this aspect of the incident during his CCRB interview.

PO Weisenburger's statement was consistent with the BWC footage; he acknowledged making the aforementioned threat of arrest because § 87(2)(b) multiple threats to hit officers constituted harassment, and threats are not protected under freedom of speech.

New York Penal Law, Section 240.30 (**Board Review 27**) says that a person is guilty of aggravated harassment (a Class A misdemeanor) when with the intent to harass, annoy, threaten, or alarm another person, he or she strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same.

§ 87(2)(g)

Allegation (G) Abuse of Authority: Police Officer Edward Weisenburger refused to provide his shield number to § 87(2)(b)

Allegation (H) Abuse of Authority: Police Officer Anthony Buonomo refused to provide his shield number to § 87(2)(b)

In PO Buonomo's BWC footage (**Board Review 03**), starting at the 02:50 minute-mark of the media player timestamp (visible at the bottom of the screen), as § 87(2)(b) lays on the ground and officers stand in a circle around him, PO Weisenburger asks § 87(2)(b) why he will not just go on his way. § 87(2)(b) says he wants an ambulance, then points to PO Weisenburger and says "I want your badge number," then continues to say, "Your badge, your badge, I want all of your badges" while pointing first at Sgt. Naranjo and then at PO Buonomo, the three officers he had been conversing with for approximately one minute prior. PO Weisenburger responds, "I don't have a badge, it's stitched." No other officer responds. In PO Foley's BWC footage (**Board Review 04**), starting at the 03:10 minute mark of the media player timestamp (visible at the bottom of the screen), § 87(2)(b) says, "I want his badge number" and Sgt. Naranjo responds, "It's on my shirt: 4192." § 87(2)(b) did not mention this aspect of this incident during his CCRB interview.

PO Weisenburger said § 87(2)(b) requested multiple officers' shield numbers, including his own by pointing at officers (PO Weisenburger was unsure which officers besides himself) and saying, "I want your badge number." § 87(2)(b) also looked at PO Weisenburger when requesting his shield number. PO Weisenburger acknowledged responding, "I don't have a badge, it's stitched onto my shirt." PO Weisenburger testified that he did not verbally state his shield number because § 87(2)(b) did not say, "Give me your shield number now" or "What is your shield number," and because § 87(2)(b) was lying on the ground with an allegedly injured arm and made no attempt to record PO Weisenburger's shield number.

PO Aliaj, PO Buonomo, and PO Gonzalez denied that they refused to provide their shield numbers to § 87(2)(b) nor could they recall which officers § 87(2)(b) requested shield numbers from. Neither PO Aliaj, PO Buonomo, nor PO Gonzalez believed § 87(2)(b) directed his request toward them. Consistent with the BWC footage, Sgt. Naranjo testified that he did provide his shield number to § 87(2)(b) during the incident. To Sgt. Naranjo's knowledge, no officer refused to provide § 87(2)(b) with their shield number.

Officers must courteously and clearly state their rank, name, shield number, and command, or otherwise provide that information to anyone who requests they do so. NYPD Patrol Guide, Procedure 203-09 (**Board Review 28**).

The investigation determined that § 87(2)(b) saying, "I want your badge number," while

pointing at the three officers he had been conversing with, while not phrased as a question, did constitute a request for PO Weisenburger, PO Buonomo, and Sgt. Naranjo to identify themselves. Though PO Weisenburger pointed out that his shield number was embroidered on his uniform shirt, that alone did not satisfy the standard set forth in the Patrol Guide procedure because § 87(2)(b) was on the ground, supposedly injured, and presumably unable to stand up and view the patch. PO Weisenburger and PO Buonomo acknowledged not providing their names and shield numbers to § 87(2)(b) at any point during this incident. § 87(2)(g)

Allegation (I) Discourtesy: Police Officer Ermir Aliaj spoke discourteously to § 87(2)(b)

Allegation (J) Discourtesy: Police Officer Anthony Buonomo spoke discourteously to § 87(2)(b)

Allegation (K) Offensive Language: Police Officer Anthony Buonomo made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

In PO Aliaj's BWC footage (**Board Review 01**), starting at the 04:41 minute mark of the media player timestamp (visible at the bottom of the screen), § 87(2)(b) asks officers if they saw him be "thrown on the floor." PO Aliaj says, "Nobody threw you to the floor, you fell like a [inaudible due to unknown audio interference]." At 04:47, § 87(2)(b) says, "Shut the fuck up." PO Aliaj says, "Make me. Make me shut the fuck up. You should make me.... You flopped." In PO Babiuch's BWC footage (**Board Review 02**), at the 03:37 minute mark of the media player timestamp (visible at the bottom of the screen), PO Aliaj's previous statement is audibly clearer; he says, "You fell like a flopping fish."

In PO Buonomo's BWC footage (**Board Review 03**), starting at the 02:03 minute mark, § 87(2)(b) asks for his Citi Bike back and PO Buonomo says that it is not his. § 87(2)(b) says, "Mind your fucking business." PO Buonomo responds, "You fucking want to play a game, now it's my business." At 02:15, § 87(2)(b) says, "Suck my dick." PO Buonomo says, "Doesn't your body hurt, how can we suck your dick?" § 87(2)(b) continues to curse at the officers.

PO Aliaj acknowledged saying, "Make me shut the fuck up." When asked what was the audio interference that can be heard when listening to his BWC footage, PO Aliaj said it may have been the sound of him adjusting his gear (either his helmet or his bike lock); he denied doing anything to intentionally interfere with the recording capability of his BWC. At first, PO Aliaj could not recall why he made that statement, though after reviewing his BWC footage, he said it was because § 87(2)(b) fell to the ground even though no one did anything to cause that to happen.

PO Buonomo acknowledged that he said to § 87(2)(b) "You fucking wanna play a game, now it's my business" and "Doesn't your body hurt, how can we suck your dick?" PO Buonomo testified that he made these statements in response to § 87(2)(b) cursing and threatening the officers, and because § 87(2)(b) had not complied with "normal" requests to get out of the way.

The mission, vision, and values of the NYPD includes maintaining a higher standard of integrity that is generally expected of others, valuing human life, respecting the dignity of each individual, and rendering services with courtesy and civility. NYPD Patrol Guide, Procedure 200-02 (**Board Review 24**). Officers are prohibited from the use of discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability. NYPD Patrol Guide, Procedure 203-10 (**Board Review 25**). According to DCT Case 2017-17276, language which would ordinarily be inappropriate in dealing with civilians may be excused in the course of a stressful street encounter (**Board Review 26**).

● § 87(2)(b) [REDACTED]

[REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

- _____

[REDACTED]

Page 7